

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 603 EVERGREEN PLAZA BUILDING - 711 CAPITOL WAY

Mail: P.O. BOX 40919 OLYMPIA, WASHINGTON 98504-0919

(360) 753-3444

DO NOT WRITE IN THIS SPACE

PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION

[] Amended Petition in Case _____-E-_____-_____

Instructions: See other side of this form.

Applicable Rules: Chapters 10-08, 391-08 and 391-25 WAC.

The petitioner claims that a question concerning representation exists involving certain employees of the employer named below.

1. EMPLOYER

CONTACT PERSON

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

ATTORNEY or

REPRESENTATIVE

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

2. PETITIONER

CONTACT PERSON

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

ATTORNEY or

REPRESENTATIVE

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

3. INCUMBENT BARGAINING REPRESENTATIVE Indicate:

[] The employees involved are not currently represented for bargaining; or

[] The employees involved are currently represented by:

ORGANIZATION

CONTACT PERSON

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

ATTORNEY or

REPRESENTATIVE

ADDRESS

CITY/STATE ZIP

TELEPHONE (.....) EXT. FAX (.....)

4. COLLECTIVE BARGAINING AGREEMENT Indicate:

[] There has never been an agreement covering the employees involved; or

[] A copy of the current (or most recent) agreement is attached.

5. SHOWING OF INTEREST A petition filed by an organization or employees must be accompanied by a showing of interest showing that the petitioner has the support of 30% or more of the employees in the bargaining unit.**6. BARGAINING UNIT****a. EMPLOYER'S PRINCIPAL BUSINESS****b. DEPARTMENT OR DIVISION INVOLVED****c. DESCRIPTION OF BARGAINING UNIT** Indicate inclusions/exclusions, contract page or case/decision number:**d. NUMBER OF EMPLOYEES IN BARGAINING UNIT****7. DESIGNATION OF REQUEST** Indicate:[] **RECOGNITION REQUEST.** The petitioner claims to represent a majority of the employees involved, and requests certification as exclusive bargaining representative of the bargaining unit.[] **CHANGE OF REPRESENTATIVE.** The employees in the bargaining unit desire to change their designation of exclusive bargaining representative, and to designate the petitioner as their exclusive bargaining representative.[] **DECERTIFICATION.** The employees in the bargaining unit no longer desire to be represented by any employee organization.[] **EMPLOYER PETITION - DEMAND FOR RECOGNITION.** The employer has been presented with one or more demands for recognition (per attached documentation), and requests a determination by the Commission.[] **EMPLOYER PETITION - INCUMBENCY QUESTIONED.** The employer has a good faith belief (per attached documentation) that a majority of employees no longer desire representation by the incumbent exclusive bargaining representative.**8. OTHER RELEVANT FACTS** Indicate, if applicable:

[] Additional information is set forth on separate sheets attached to this petition form.

9. AUTHORIZED SIGNATURE FOR PETITIONER

NAME (PRINT)

SIGNATURE

TITLE DATE

INSTRUCTIONS FOR REPRESENTATION CASES

A. APPLICABLE RULES The Public Employment Relations Commission (PERC) processes representation cases under Chapter 391-25 WAC, Chapter 391-08 WAC and Chapter 10-08 WAC. The rules are available from PERC at (360) 753-3444 or on the web at www.olywa.net/perc. Parties should familiarize themselves with all of the rules applicable to their case.

B. WHEN TO FILE The petitioner must comply with the following time limitations:

WAC 391-25-030 Petition--Time for filing. In order to be timely filed:

(1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement, or after the expiration thereof.

(2) Where a certification has been issued by the agency covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed:

(a) Not less than twelve months following the date of the certification of an exclusive bargaining representative; or

(b) Not less than twelve months following the date of the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

(3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

C. SHOWING OF INTEREST The party that files a petition with PERC must supply its own "showing of interest" documents:

WAC 391-25-110 Supporting evidence. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of thirty percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Authorization documents shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the furnishing of such evidence to the agency, whichever is later.

D. FORM Fill in all information called for on the form. If you lack information (such as what representative will be used by a party), insert "Unknown":

- Item 1. Employer - Each case must arise out of an employment relationship subject to PERC jurisdiction. If the employer is the "petitioner", repeat the employer's name on the appropriate line, but it is not necessary to repeat the other information about the employer.
- Item 2. Petitioner is the organization, employee or employer that is filing the petition.
- Item 3. Incumbent Bargaining Representative is the organization which currently represents the employees. IF THE PETITIONER KNOWS OF OTHER ORGANIZATIONS which claim, or may claim, to represent the employees involved, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone numbe(s) of all such organizations.
- Item 4. ATTACH the collective bargaining agreement, if one exists (single-sided, unbound documents are preferred).
- Item 5. ATTACH THE SHOWING OF INTEREST TO THE ORIGINAL PETITION ONLY. The confidentiality of the showing of interest will be maintained regardless of any hearing or other processing of the case.
- Item 6.a. Examples are: "City", "County", "School District", "Community College", "Technical College", "University", "Port District".
- Item 6.b. Examples are: "Police Department", "Fire Department", "Public Works Department", "Multi-department", or "Employer-wide".
- Item 6.c. Describe the bargaining unit by listing the types of employees to be included (such as "all law enforcement officers", "all fire fighters", "all operations and maintenance employees" or "all employees"), and to be excluded (such as "supervisors", "confidential employees").
- Item 6.d. Indicate the number of employees in the bargaining unit.
- Item 7. Indicate the type of request which best describes the situation. If more space is needed, attach additional sheets.

E. FILING Take or send the completed and signed form with all attachments (plus one copy with all attachments), together with the showing of interest, to PERC's Olympia office.

F. SERVICE Beginning with the filing of a petition and continuing throughout the proceedings, any party that files any papers with PERC (other than showing of interest evidence which is confidential) is required to give or send a copy to all other parties to the case. WAC 391-08-120 includes:

(3) A party which files or submits any papers to the agency shall serve a copy of the papers upon all counsel and representatives of record, and upon all parties not represented by counsel or upon their agents designated by them or by law. Service shall be completed no later than the day of filing or submission under subsection (1) or (2) of this section, by one of the following methods:

(a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;

(b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service may be made by telegraph or by commercial parcel delivery company, and shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.

(d) Service may be made by electronic telefacsimile transmission, and shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

On the same day that service of any papers is completed, WAC 391-08-120(4) requires the person who completed the service to either obtain an acknowledgment of service from the person who accepted personal service, or make a certificate stating the date and the approved method of service used by the person signing the certificate.

G. PRELIMINARY PROCESSING The initial processing of representation cases is by PERC's Representation Coordinator.

- The employer will be asked for a list of employees, and the sufficiency of the showing of interest will be checked on a name-for-name basis.
- The parties will be supplied with a list of issues for discussion, and an Investigation Conference will be held (usually by conference call).